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MINISTRY OF LAW

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The following President's Acts are published for general information:—

THE MADRAS ENTERTAINMENTS TAX (ANDHRA AMENDMENT) ACT, 1955

No. 2 OF 1955

Enacted by the President in the Sixth Year of the Republic of India

An Act further to amend the Madras Entertainments Tax (Amendment) Act, 1949.

In exercise of the powers conferred by section 3 of the Andhra 45 of 1954. State Legislature (Delegation of Powers) Act, 1954, the President is pleased to enact as follows:—

1. This Act may be called the Madras Entertainments Tax (Andhra Short title. Amendment) Act, 1955.

2. In sub-section (3) of section 1 of the Madras Entertainments Tax (Amendment) Act, 1949, for the figures "1955", the figures "1956" shall be substituted. Amendment, of section 1
Madras Act XVII of 1949.

RAJENDRA PRASAD,

President.

Reasons for the enactment

Section 4A of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), inserted by section 3 of the Madras Entertainments Tax (Amendment) Act, 1949 (XVII of 1949), provides for the levy of

an additional tax (known as 'show tax') on cinematograph exhibitions. The life of Madras Act XVII of 1949 which was restricted to one year in the first instance was later on extended twice. Madras Act XVII of 1949, as now in force in the State of Andhra, will cease to be in force on the 31st March, 1955. Although the annual income from the tax in the State of Andhra is estimated at only 2·5 lakhs, the State cannot, in view of financial stringency, afford to discontinue the levy of this tax. It is, therefore, proposed to continue the levy for one more year, leaving the question of its retention for consideration by a Ministry after it assumes office. The present enactment seeks to extend the life of Madras Act XVII of 1949 as now in force in the State of Andhra by a further period of one year from the 31st March, 1955. In Madras this tax has been made permanent by an amendment made by Madras Act XXXII of 1954.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, has approved the enactment of this measure.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

THE ANDHRA REQUISITIONING OF BUILDINGS (AMENDMENT) ACT, 1955

No. 3 of 1955

Enacted by the President in the Sixth Year of the Republic of India

An Act to amend the Andhra Requisitioning of Buildings Act, 1954.

45 of 1954. In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, the President is pleased to enact as follows:—

1. This Act may be called the Andhra Requisitioning of Buildings (Amendment) Act, 1955. *Short title.*

Andhra Act XI of 1954. 2. In clause (a) of section 7 of the Andhra Requisitioning of Buildings Act, 1954 (hereinafter referred to as the principal Act), ^{Amendment of section 7,} for the words "one year", the words "two years" shall be substituted. ^{XI of 1954.}

3. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
7A in Andh-
ra Act XI of
1954.

“7A. Where the period of requisition specified in an order of requisition is less than two years, the competent authority may, from time to time, by order in writing served on the landlord in the manner laid down in section 6, extend the period of requisition, after giving the landlord a reasonable opportunity of making his representation, so, however, that the total period of requisition does not exceed two years.”

RAJENDRA PRASAD,

President.

Reasons for the enactment

The Andhra Requisitioning of Buildings Act, 1954 (Andhra Act XI of 1954), provides for the requisitioning of buildings in the State of Andhra. Under section 7(a) of this Act every order of requisition has to specify the period of requisition which should be one year or any lesser period. Scarcity of accommodation continues to be as acute as before. Experience of the working of the Act so far has shown that the maximum period of one year falls short of actual requirements and should be raised to two years. A number of buildings have been requisitioned under the existing provisions and they will be subject to requisition for a period of one year or less as specified in the order of requisition from the date of its service. As it will not be possible to provide alternative accommodation for the present occupants of these buildings, it will be necessary to retain them even after the expiry of the period of requisition. It is thus essential to empower the competent authority under the Act to extend the period of requisition in these cases, but this power will be exercised only as and when necessary, the period of requisition not exceeding two years in the aggregate. The present enactment gives effect to these objects.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, has approved the enactment of this measure.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

THE ANDHRA CINEMAS (REGULATION) ACT, 1955

No. 4 OF 1955

Enacted by the President in the Sixth Year of the Republic of India

An Act to provide for the regulation of exhibitions by means of cinematographs in the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954, the President ~~of 1954~~ is pleased to enact as follows:—

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Andhra Cinemas (Regulation) Act, 1955.

(2) It extends to the whole of the State of Andhra.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the Andhra Gazette;

(4) "place" includes a house, building, tent and any description of transport whether by water, land or air;

(5) "prescribed" means prescribed by rules made under this Act.

**Cinematograph exhibi-
tions to be
licensed.**

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

**Licensing
authority.**

4. The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Collector:

Provided that the Government may, by notification, constitute for the whole or any part of the State such other authority as it may

specify in the notification to be the licensing authority for the purposes of this Act.

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of the persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Madras Act

II of 1888. 6. (1) Nothing contained in the Madras Places of Public Resort Special pro-
Madras Act Act, 1888, or in the Madras District Municipalities Act, 1920, or in buildings
V of 1920. the Madras District Boards Act, 1920, or in the Madras Village constructed
Madras Act XIV of 1920. Panchayats Act, 1950, in regard to—
Madras Act X of 1950.

(a) the grant of permission for the construction or reconstruction of a building, or

(b) the grant of licence for the use of any place or building for any purpose for which such licence is required under those Acts, or

(c) the grant of permission to instal any machinery in any place or building,

shall apply to the construction or reconstruction of, or the use of, or the installation of any machinery in, any place or building to be used exclusively for the holding of cinematograph exhibitions; and in every such case, an application for licence or permission referred

to in any of the clauses (a) to (c) above shall be made to the licensing authority under this Act, in accordance with the rules made in this behalf under this Act.

(2) Subject to the control of the Government and to any rules made in this behalf, the licensing authority, after making such inquiry as it deems fit and consulting the chief executive officer (by whatever designation he may be known) of the local authority concerned, may, for reasons to be recorded either grant or refuse to grant the licence or permission applied for.

Appeal.

7. Any person aggrieved by the decision of the licensing authority, refusing to grant any licence or permission under this Act may, within such time as may be prescribed, appeal to the Government, or to such officer or authority as the Government may specify in this behalf, and the Government or the officer or the authority, as the case may be, may make such order as is deemed fit.

Power of
Government
District
Collector to
suspend
exhibition of
films in
certain cases.

8. (1) The Government in respect of the whole of the State or any part thereof, and the District Collector in respect of any area within the local limits of his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension, no person shall exhibit such film or permit it to be exhibited in the State or in such part thereof or in such area, as the case may be.

(2) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by him to the Government and the Government may on a consideration of all the facts of the case confirm, modify or cancel the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

Penalties.

9. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act, or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend

to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Power to revoke licence. **10.** Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952, or section 9 of this Act, the licence may be revoked by the licensing authority **XXXVII.** **1952.**

Power to make rules. **11.** (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the terms, conditions and restrictions, if any, subject to which licences and permissions may be granted under this Act, the fees for such licences and permissions, and the apportionment of such fees between the Government and the local authority concerned;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under section 7 may be preferred and the fees to be paid in respect of such appeal;

Power to exempt. (d) the regulation of the construction or reconstruction of buildings for cinematograph exhibition.

12. Where in the opinion of the Government reasonable grounds exist for doing so, the Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Repeal.

13. The Cinematograph Act, 1918, in so far as it relates to matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed: **II of 1918**

Provided that any appointment, notification, order, scheme, rule, form or by-law, made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued under this Act.

RAJENDRA PRASAD,
President.

Reasons for the enactment

Under the Constitution of India all matters relating to cinemas other than the sanctioning of cinematograph films for exhibition come in the State List in the Seventh Schedule and therefore within the exclusive legislative competence of the State Legislature; and the sanctioning of cinematograph films for exhibition is a matter in the Union List in that Schedule and therefore within the exclusive legislative competence of Parliament. In 1918 all the necessary provisions relating to cinemas were included in one single Central Act, namely, the Cinematograph Act, 1918 (II of 1918), there having been no distribution of legislative powers in those days between the Centre and the Provinces. In view of the above entries in the Seventh Schedule to the Constitution, Parliament in 1952 enacted the Cinematograph Act, 1952 (XXXVII of 1952). Part II of that Act contains provisions relating to sanctioning of cinematograph films for public exhibition and applies to the whole of India; while Part III of that Act which contains provisions relating to the regulation of exhibitions by means of cinematographs including their licensing could be applied to Part C States only. Therefore, so far as regulation of cinemas including their licensing is concerned, cinemas in Part A and Part B States are still governed by the relevant provisions of the Act of 1918 which are, however, not quite satisfactory in several respects. Hence the necessity for State legislation for the purpose of regulation of cinemas including their licensing and for the repeal of the Cinematograph Act, 1918, in so far as that Act relates to matters other than the sanctioning of cinematograph films for exhibition.

2. It has been represented to the Government by the Andhra Film Chamber of Commerce and other associations of cinema exhibitors that much hardship is caused to cinema exhibitors by the presence of multiplicity of authorities whom the exhibitors should approach for permissions or licences under different enactments, namely, the Madras District Municipalities Act, the Madras District Boards Act, the Madras Village Panchayats Act and the Madras Places of Public Resort Act, before a cinema theatre is made ready for exhibition of films. These associations have, therefore, suggested the incorporation in a single enactment, of all the provisions contained in these various Acts and the centralization in a single authority of the powers of granting permissions for the construction and reconstruction of buildings for cinematograph exhibitions and granting licences to cinemas. The Government have carefully examined the above representation and suggestions and have decided to take this opportunity to take power to make the District Collector the sole

authority for the purpose. Rules will be made under the proposed enactment requiring the District Collector to consult other officers and authorities before granting such permissions and licences.

3. The Bill is designed to achieve the above objects.

A. V. PAI,

*Secy. to the Govt. of India,
Ministry of Home Affairs.*

K. Y. BHANDARKAR,

*Secy. to the Govt. of India,
Ministry of Law.*

